

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
Plaintiff,	)	No. 18-cv-5587
	)	
v.	)	Hon. Manish S. Shah
	)	
EQUITYBUILD, INC., EQUITYBUILD FINANCE, LLC, JEROME H. COHEN, and SHAUN D. COHEN,	)	Magistrate Judge Young B. Kim
	)	
Defendants.	)	

**CORRECTED ORDER GRANTING RECEIVER'S MOTION TO  
APPROVE SETTLEMENT AND RELEASE AGREEMENT  
WITH WHITLEY PENN LLP AND TO AUTHORIZE PAYMENT  
OF CONTINGENCY FEE AND COSTS TO RECEIVER'S COUNSEL**

This matter came before the Court upon the Receiver's Motion to Approve Settlement and Release Agreement with Whitley Penn LLP and to Authorize Payment of Contingency Fee and Costs to Receiver's Counsel [ECF No. 1343] (the "Motion"). The Court, having considered the Motion and the record of this receivership action and being otherwise duly advised in the premises, hereby finds and orders as follows:

1. The Motion [ECF No. 1343] is GRANTED.
2. The Court finds that the Settlement and Release Agreement, attached as Exhibit A to the Motion, is reasonable, fair, adequate, and in the best interest of the Receivership Estate.
3. The Court confirms the Receiver's authority to enter into the Settlement and Release Agreement.
4. The Court finds that the contingency fee amount for the Receiver's counsel, Spellmire Bruck LLP, Roeder Law Offices LLC, and Rachlis Duff & Peel, LLC, is fair and

reasonable and that they are entitled to a total payment of \$1,057,979.28, representing the total of the approved contingency fee plus expenses (comprising \$1,050,000.00 in fees and \$7,979.28 in costs) from the \$3,000,000 settlement amount.

5. The Court approves: (i) the settlement payment in the amount of \$3,000,000.00 to be made by Whitley Penn LLP to the Receiver's Account; and (ii) upon receipt of the settlement payment by Whitley Penn, and without further order of the Court, the Receiver's immediate payment of \$1,057,979.28, representing the total of the approved contingency fee plus expenses, from the Receiver's Account to the client fund account of Spellmire Bruck LLP to be thereafter split between the engaged counsel in accordance with their agreement as set forth in the engagement letter.

6. The Court finds that the Receiver has given fair, adequate, and sufficient notice of the Motion to all interested parties.

7. The Court shall retain exclusive jurisdiction over all matters concerning the Settlement and Release Agreement, including without limitation the enforcement thereof.

ORDERED in the United States District Court  
for Northern District of Illinois, Eastern Division,  
on this 19 day of January, 2023.



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Manish S. Shah  
UNITED STATES DISTRICT COURT JUDGE